

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 CURTIS ROOKAIRD,

8 Plaintiff,

9 v.

10 BNSF RAILWAY COMPANY,

11 Defendant.  
12  
13

No. C14-176RSL

ORDER DENYING MOTION  
FOR SETTLEMENT CONFERENCE  
BEFORE U.S. MAGISTRATE JUDGE

14 This matter comes before the Court on “Plaintiff’s Motion for Settlement Conference  
15 before Federal Magistrate.” Mot. (Dkt. # 21). Plaintiff seeks an order compelling Defendant to  
16 participate in mediation with a United States Magistrate Judge within thirty days of the date of  
17 the Court’s order. Id. Having considered the parties’ memoranda, the supporting documents,  
18 and the remainder of the record, the Court DENIES Plaintiff’s motion.

19 This case arises out of Plaintiff’s employment with Defendant. Plaintiff alleges that his  
20 employment was terminated in March 2010 in violation of the whistleblower provisions of the  
21 Federal Rail Safety Act, 49 U.S.C. § 20109. Compl. (Dkt. # 1) at 4-5. In addition to seeking an  
22 award of monetary damages, Plaintiff seeks immediate reinstatement to his former position of  
23 Conductor. Id. at 6-7. Trial is currently scheduled for May 4, 2015, and the deadline for  
24 completing discovery is January 4, 2015. Order Setting Trial Date (Dkt. # 19) at 1. The Court’s  
25 scheduling order provides that the parties must participate in a settlement conference no later  
26

ORDER DENYING MOTION  
FOR SETTLEMENT CONFERENCE

1 than January 18, 2015. Id.

2 Even though the above-captioned case is still in the early phases of discovery, Plaintiff  
3 seeks prompt resolution of the dispute because, he argues, he is suffering financially as a result  
4 of his termination, his house has been foreclosed upon, and “this case has already been tried to a  
5 conclusion.” Mot. (Dkt. # 21) at 4. Thus, he asks the Court to order the parties to engage in  
6 mediation with a United States Magistrate Judge. Defendant does not object to participating in  
7 mediation or another settlement proceeding, but it argues that mediation will be more productive  
8 after the parties have completed discovery. Opp. (Dkt. # 23) at 2.

9 The Court supports the parties’ enthusiasm for resolving this case through alternative  
10 means, but declines to enter an order compelling the parties to participate in mediation,  
11 particularly this early in the case. This case is still in its early stages and Plaintiff has not  
12 provided a compelling reason to require Defendant to participate in mediation at this time.  
13 Furthermore, the parties must attempt in good faith to resolve this dispute through the process set  
14 forth in Local Civil Rule 39.1 before the Court will consider asking a U.S. Magistrate Judge to  
15 conduct a settlement conference. See LCR 39.1(e).

16  
17 For all of the foregoing reasons, Plaintiff’s motion for a settlement conference before a  
18 magistrate judge (Dkt. # 21) is DENIED.

19  
20 DATED this 21st of August, 2014.

21  
22 

23 Robert S. Lasnik  
24 United States District Judge  
25  
26